

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

DRAGONETTI BROTHERS LANDSCAPING

Employer

and

Case 29-RC-126285

LOCAL 1010 HIGHWAY ROAD AND
STREET CONSTRUCTION LABORERS
UNION, LABORERS INTERNATIONAL
UNION OF NORTH AMERICA, AFL-CIO

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board has considered objections to an election held May 13, 2014, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 5 ballots cast for the Petitioner, 19 ballots cast for the Intervenor,¹ and 1 ballot cast against the participating labor organizations. There were 11 challenged ballots, an insufficient number to affect the results.

No exceptions have been filed to the Regional Director's report within the time provided. Accordingly, the Board adopts the Regional Director's findings and recommendations, and finds that a certification of representative should be issued.²

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Local 175, United Plant and Production Workers, International Union of Journeymen and Allied

¹ Local 175, United Plant and Production Workers, International Union of Journeymen and Allied Trades

² The Regional Director recommended that the Petitioner's objections be overruled in their entirety.

Trades and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All laborers performing asphalt paving and concrete work including but not limited to Site and Ground Improvement, Utility, Paving and Road Building Work as defined as: preparing for and performing all types of asphalt paving and concrete paving work, slurring including methacrylate and other similar materials and milling of streets and roads, and all other preparation work involved to prepare for resurfacing and to operate small power tools, operate all equipment necessary to install all types of resurfacing including sandblasting, chipping, scrapping of all materials, install and repair fences and all incidental work thereto to continue into parks, plazas, malls, housing projects, playgrounds said work including but not limited to public highways roads and bridges; including, but not limited to the digging of trenches, cable pulling, duct installation, and all subsequent work prior to final paving.

All asphalt slurry (protective polymer) restoration work, including all preparation for slurry and all bridges, temporary asphalt paving necessary on streets, sidewalks and private property and federal, city, local and state roads subsequent to subway, sewer, water main, duct line construction and other similar type jobs.

Any laboring work related to the preparation, maintenance, cleanup, installation and removal of play equipment, slurry/seal-coating, line striping, and saw cutting not related to work performed by Local 175 under the landscape agreement with the Landscape Gardner Growers Association. Maintenance and protection of traffic safety for all work sites.

All other General Construction work related to asphalt and concrete paving. Safety watchmen who perform signaling in connection with the handling of materials, watchmen on all construction sites, traffic control and all elements to ensure a safe work environment.

But excluding all work as covered by Article 1, Section 3 of the Local 175 IUJAT Collective Bargaining Agreement with Landscape Gardener Growers Association, all cement finishing work under the jurisdiction of Operative Plasterers and Cement Masons International Association of the United States and Canada, Cement Masons Union #780, all clerical workers, guards and supervisors as defined in Section 2(11) of the Act.

Dated, Washington, D.C., July 2, 2014

By direction of the Board:

Farah Z. Qureshi

Associate Executive Secretary